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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,024	04/08/2004	Daniel Conzelmann	A-3986	2444
24131	7590	02/22/2005		EXAMINER
LERNER AND GREENBERG, PA				EVANS, ANDREA HENCE
P O BOX 2480				
HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/822,024	CONZELMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrea H. Evans	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 10-18 and 25-27 is/are rejected.
- 7) Claim(s) 5-9 and 19-24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/8/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 5 –12 and 19-24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 5 and 19, the prior art does not teach the method, which further comprises, during the drum conversion, guiding the drum circumferential shells with the adjustable carriers by moving the drum circumferential shells along the adjustable carriers and guiding the drum circumferential shells with the adjustable carriers during the movement.

Referring to claim 6 and 20, the prior art does not teach the method, which further comprises: disposing guides separately from the adjustable carriers on the sheet transport drum; and during the drum conversion, guiding the drum circumferential shells with the guides by moving the drum circumferential shells along the guides and guiding the drum circumferential shells with the guides.

Claims 7 and 8 depend from 5 and 6 respectively.

Referring to claims 9 and 22, the prior art does not teach the method which further comprises, during the drum conversion, pushing the drum circumferential shells away from the sheet transport drum by rotational movements of the sheet transport drum.

Referring to claims 10 and 23, the prior art does not teach the method, which further comprises: holding the drum circumferential shells on the sheet transport drum in the first and second operating modes with holders; and during the drum conversion, automatically releasing

the holders by a respective relative movement carried out between the sheet transport drum and at least one machine element separate from the sheet transport drum.

Claims 11 and 12 depend from 9 and 10 respectively.

Claim 21 depends from 19.

Claim 24 depends from 23.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 13-18, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pirie (2366930) in view of Helmstadter (6722276).

Referring to claims 1, 15 and 27, Pirie teaches a method of operating a machine processing printing material sheets and a drum operating in various operating modes, drum circumferential shells (19 on left and right side of Figure 5) being held fixed on the sheet transport drum in an outer position (open position, See page 1, column 2, lines 37-42; See page 2, lines 61-62) in a first of the operating modes (mode 1- stationary) and in an inner position (close position) in a second of the operating modes (See page 2, Column 1 – Column 2, line 3 and page 2, column 2, lines 23-33).

Pirie does not specifically teach a sheet transport drum. However, Pirie teaches the cylinder is any cylinder with gaps. Helmstadter teaches a sheet transport drum with gaps (23). It

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would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the cylinder of Pirie with the cylinder of Helmstadter since the sheet transport drum gaps would need to be covered to prevent harm to the user during maintenance.

Pirie teaches removing the drum circumferential shells from the drum during a drum conversion to be carried out before the start of a third of the operating modes (mode 3-maintenance, See page 2, Column 1, lines 56-59). Pierre does not specifically state that the drum is rotated without the drum circumferential shells in the third operating mode. However, it would be obvious to one having ordinary skill in the art at the time the invention was made to rotate the drum in the third mode without the shells since Pirie teaches that in the prior art the cylinder can be used without the shell (See page 1, Column 1, lines 6-16).

Referring to claims 2 and 16, Pirie teaches the method, which further comprises: providing the drum with adjustable carriers; and carrying the drum circumferential shells with adjustable carriers (32) in the first and second operating modes. (32 is adjustable by 35 into an open and closed position).

Referring to claims 3 and 17, Pirie teaches the method which further comprises providing the adjustable carriers of the sheet transport drum as swinging arms of coupler mechanisms. (See page 2, column 2, lines 48-51).

Referring to claims 4 and 18, Pirie teaches the method, which further comprises, during a change in an operating mode carried out between the first and second operating modes, adjusting each of the drum circumferential shells, together with a respective one of the adjustable carriers, into one of the inner and outer positions. (See page 2, column 2, lines 44-51; when the cylinder moves from stationary (inner position) to closing (outer position)).

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Referring to claims 13 and 25, Pierre does not specifically state that the drum is rotated without the drum circumferential shells in the third operating mode. However, it would be obvious to one having ordinary skill in the art at the time the invention was made to rotate the drum in the third mode without the shells since Pirie teaches that in the prior art the cylinder can be used without the shell (See page 1, Column 1, lines 6-16).

Pirie does not teach transporting material sheets with the rotating sheet transport drum. Helmstadter teaches the method which further comprises, transporting the printing material sheets with the rotating sheet transport drum. (See Abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the drum to transport a sheet to afford proper handling of sheets in printing systems as taught by Helmstadter.

Referring to claims 14 and 26, Pirie teaches the method which further comprises, in the third operating mode, rotating the sheet transport drum for maintenance. (See page 2, Column 1, lines 56-59).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans, ESQ

AHE



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